FOR MYSORE STATE

Development (1950) Department.

Rs SERIES.

G.O. No. 1816.

Dated 4-5-50

5

[Despatch Abstract.]

Labour - I.L.O. Recommendation No. 82 Concerning labour inspection in mining and transport undertakings

Copy of letter No.Ms.1816 Development (P.IV) Department dated 4-5-50 from the Secretary to Government, Development Department to the Secretary to the Govt. of India, Ministry of Labour, New Delhi.

****

Sub: Labour - I.L.O. --Recommendation No.82 concerning labour inspection in mining and transport undertakings.

Ref: Sri Saksena's letter No.LC.81(2) dated 7-3-50.

—

I am directed to refer to Sri Saksena's letter cited and to say that the position in regard to I.L.O. Recommendation 82 is as follows:—

1. Labour Inspection in Mines:— This falls within the sphere of the Central Government.

2. Labour Inspection in transport undertakings:— Employment in workshops of transport undertakings is regulated by the provisions of the Factories Act, Payment of Wages Act; Madras Maternity Benefit Act and the Employment of Children Act. Traffic and line staff do not get the benefit of these enactments except that of Payment of Wages Act, which has been extended in this State to all employees in tramways and motor omnibus services. The Madras Shops and Establishments Act provides for the regulation of work in transport undertakings which come under the scope of that Act. Adequate enforcement of these measures is secured through the Inspectors of Factories and the non-technical Assistant Inspectors of Labour. Employees in public motor transportwill shortly have the protection of the Minimum Wages Act, 1948, which provides for such matters as determination of normal working hours, overtime wages, day of rest etc. Protection of motor transport workers in this State is also provided by an award of the Industrial Tribunal Sri Venkataramayya (1948). The award covers such matters as, hours of work, wages, bonus, provident fund, leave, supply of clothing, provision of medical facilities etc. It has been made binding on employees till June 1950. Labour Officers see to the enforcement of the award.

Apart from the measures mentioned above, the Motor Vehicles Act protects the interests of certain classes of workers in the motor transport services by prescribing the hours of work for drivers and prohibiting

the employment of persons under the age of 18 as drivers or conductors. The Regional Transport Authorities with Regional Transport Officers as their executive officers and Motor Vehicles Inspectors under them and the police enforce these provisions of the Motor Vehicles Act.

- True copy-

Copy to the Commissioner of Labour, Madras.

RR.31.7

Note File

Govt.(PIV) Dept.

Sub: Labour - I.L.O. - Recommendation 82 concerning labour inspection in mining and transport undertakings.

Ref: From the Govt. of India, Ministry of Labour, No.LC.81(2) dated 7th March 1950.

From the Commissioner of Labour No.A1.15278/50 dated 28th March 1950.
From the Transport Commissioner, No.4015/A1/50 d/4-4-50.

A.S.

Recommendation 82 of the I.L.O. requires that each member country should provide labour inspection in mining and transport undertakings to ensure that laws relating to conditions of work and protection of workers are enforced. The Govt. of India have called for information on the law and practice in this State in regard to this Recommendation to enable them to send a report to the I.L.O. The Commr. of Labour and the Transport Commissioner were consulted and their reports are at pages 23-25 c.f.

2. Labour inspection- Labour inspection in mines is the concern of the Central Govt. No remarks are therefore called for in this regard. As regards transport undertakings, the position of labour law as is as explained by the Commr. of Labour in para 2 of his letter on page 23 c.f. In addition, it may also be mentioned that the Minimum Wages Act applies to employment in public motor transport and provides for such matters as determination of normal working hours, overtime, day of rest etc. The conditions of work in motor transport undertakings are also governed by the award of the Industrial Tribunal (Sri Venkataramayya.) This award has been made binding on employers till June 1950. There is no special staff for enforcement of the award but the regular Labour Officers are attending to this. Home Department may be requested to indicate how far the provisions of Motor Vehicles Act and other transport regulations provide for the protection of workers in regard to hours of work, wages, safety, health and welfare, the employment of children and young persons and what are the authorities to which enforce-

'D'

'X'

X \ ment of these provisions is entrusted.

HOME DEPT.

Please see the Dev. Depts' notes on p.1 ante. With reference to their note at X on p.1 ante. it is submitted that section 65 of the M.V.Act, prescribes the hours of work of drivers of transport vehicles. Any violation of the provisions of this section is punishable by a Court under section 112. Under section 59(3)(c), it shall be one of the conditions of a permit in respect of a transport vehicles that the provisions of section 65 are observed and for a breach of the condition the transport authority may suspend or cancel a permit under section 60 under section 4 no person under the age of 18 years shall drive a motor vehicle and under rule 237 of the M.M.V.Rules, no person under 18 years of age shall hold a conductor's certificate.

The M.V.Act and the rules to not provide for the protection of other transport workers or line staff regarding hours of work. They do not also provide for protection in regard to other matters such as wages, safety health, and welfare.

The file may be returned to Development Department.

thro 'Tr.III.

'B' The R.T.A.s with the R.T.Os as their executive Officers and M.V. Inspectors under them and the Police are expected to enforce the conditions referred to above and there is no other special agency to inspect this and enforce the conditions.

Sd/.....
20-4-50.

- True copy-

RR.31.7

Superintendent.

B

Devt. (PIV) Deptt.

A.S.

The notes from page 1 above may be perused. A draft letter to India is submitted for approval.

If the min. wages Act determines such matters as normal working hours, overtime, day of rest, why do you say in the draft that there is no provision for protecting transport workers other than drivers? Put up thro' Supdt.

C.P.G.
27-4-50.

A.S.

A revised draft is submitted.

(Previous notes need not be read)

Recommendation 82 of the I.L.O. requires that each member country should provide labour inspection in mines and transport undertakings to ensure that laws relating to the conditions of work and protection of workers are enforced. The Govt. of India have asked for particulars of the law and practice in this state to enable them to send a report to the I.L.O. We are not concerned with mines which is a Central subject. Regarding transport undertakings, the Commissio and the Transport Commr. of Labour have been consulted. A draft reply, which is self-explanatory, is subd. for considerarion.

C.P.G.
282-50

Sd/.....
2-2-50.

Sd/. ...
H.M(L.R.)

- True copy-

Superintendent.

RR.31.7

K. Manicar 10/8/53
K.V. Ambujakshi.